



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E. Suite 400
Aberdeen, South Dakota 57401

IN REPLY REFER TO:
DESCRM
MC-208

AUG 10 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{ACTING} Regional Director, Great Plains Region

SUBJECT: Supplemental to Environmental Assessment

A Categorical Exclusion has been completed in compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed Supplemental Categorical Exclusion is for information tiering off of an existing Environmental Assessment for WPX Energy, and authorizes installation of SCADA Towers on the Fort Berthold Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Categorical Exclusion.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, THPO (with attachment)
Derek Enderud, BLM, Dickinson, ND (with attachment)
Carson Hood/Fred Fox, MHA Energy (with attachment)
Mike Madson, SWCA (with attachment)
Jeffrey Hunt, Fort Berthold Agency



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EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: WPX Energy Williston, LLC; SCADA Tower Installation Date: 8/9/2012

Nature of Proposed Action: To authorize land use for the construction of one 50-foot-tall and one 100-foot-tall tower to house WPX Energy Williston, LLC Supervisory Control and Data Acquisition System. The proposed towers would be constructed on one existing oil and gas well pad and one existing storage tank production pad. No additional surface disturbance is proposed for areas beyond the existing pads. This document is tiered to an Environmental Assessment: Dakota-3 Nathan Hale #3-18H, Dakota-3 Alisia Fox #16-9H Zenergy Operating Company, LLC (October 2008) and Environmental Assessment and Finding of No Significant Impact: A Potential storage, (Temporary) Fracturing, and Production Pad and a Potential 12 Well Pad Expansion of the Goodbird #25-36H/Black Hawk #1-12H Well Pad; WPX Energy Williston (March 2012).

Exclusion category and number: 516 DM 10.5 F (1) Rights-of-Way

Evaluation of Exceptions to use of Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No X Yes _____
2. This action would have an adverse effect on unique geographical features, such as wetlands, wild or scenic rivers, refuges, floodplains, rivers placed on nationwide river inventory, or prime or unique farmlands. No X Yes _____
3. The action will have highly controversial environmental effects. No X Yes _____
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. No X Yes _____
5. This action will establish a precedent for future actions. No X Yes _____
6. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No X Yes _____
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No X Yes _____

8. This action will affect a species listed, or proposed to be listed as endangered or threatened. No X Yes _____
9. This action threatens to violate federal, state, local or tribal law or requirements imposed for protection of the environment. No X Yes _____
10. This action will have a disproportionately high and adverse effect on low income or minority populations. No X Yes _____
11. This action will limit access to, and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites. No X Yes _____
12. This action will contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species. No X Yes _____

A "yes" to any of the above exceptions will require that an EA be prepared.

NEPA Action - - - CE X EA _____

Preparer's Name and Title: Jeffrey Davis, Environmental Protection Specialist

Regional Archeologist Concurrence with Item 7 Concurrence

Concur: Jeffrey R. Davis
Regional Office/Agency Environmental Coordinator

Date: 8-9-2012

Concur: Tim Lantieri
ACTING Regional Director/Superintendent

Date: 8-10-12

CATEGORICAL EXCLUSION

With Pertinent Documentation Analysis

United States Bureau of Indian Affairs

**Great Plains Regional Office
Aberdeen, South Dakota**



WPX Energy Williston, LLC

**Categorical Exclusion 516 DM 10.5 F(1) to Authorize the Installation of Freestanding
Aluminum SCADA Towers on Existing Oil and Gas Structures**

Fort Berthold Indian Reservation

August 2012

For information contact:
Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources Management
115 4th Avenue SE, Aberdeen, South Dakota 57401
(605) 226-7656

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1. Purpose and Need for the Proposed Action

Developments have been proposed on land held in trust by the United States in Dunn County, North Dakota, where the Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected individual allotments. The economic development of available resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers substantial economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nations and to individual tribal members.

The purpose of the proposed action is to authorize land use by WPX Energy Williston, LLC (WPX) for the construction and installation of two freestanding aluminum isometric Supervisory Control and Data Acquisition System (SCADA) towers (Figure 1) on the existing Nathan Hale #3-18H and Tri-unit pad locations (Figure 2). The proposed towers would provide necessary infrastructure housing for WPX's SCADA system and would allow remote monitoring of critical operations information including:

- well name,
- well activity,
- real time and historical oil volume,
- real time and historical natural gas liquids (NGL) volume,
- total NGL volume,
- real time and historical produced water volume,
- total produced water volume,
- lower explosive limit,



Figure 1. Typical SCADA tower.

2. Authorities

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

3. Legal Land Description for Proposed Action

The SCADA towers would be located on the existing Nathan Hale #3-18H well pad and Tri-Unit storage and production facility pad (pads). The legal description of each pad location is provided below.

- **Nathan Hale #3-18H:** located approximately 1.69 miles east of Mandaree, in the NE¼ NW¼ of Section 18, Township (T) 149 North (N), Range (R) 93 West (W), Dunn County, North Dakota (Figure 2).
- **Tri-Unit:** located approximately 13.90 miles southeast of Mandaree, in the NE¼ SE¼ of Section 36, T148N, R93W, Dunn County, North Dakota (Figure 2).

4. Scope of Work for Proposed Action

WPX would construct one 100-foot-tall SCADA tower on the Nathan Hale #3-18H well pad (Figure 3) and one 50-foot-tall SCADA tower on the Tri-Unit pad (Figure 4). During construction, WPX would disturb approximately 600 square feet of previously disturbed pad area for each proposed tower. All disturbance associated with the proposed project would occur wholly within areas that have undergone National Environmental Policy Act (NEPA) analysis for similar actions. Technical specifications would be submitted to the BIA prior to construction of the proposed towers.

5. Reclamation

Interim Reclamation

Reclamation of the SCADA towers would be related to the reclamation of each pad which would continue over the life of the pads and would include the return of topsoil, and contouring and seeding of native vegetation. Reclamation would be required before final abandonment of the decommissioned well pad. A successful reclamation would at all times be the responsibility of the operator. Applicable short- and long-term best management practices would be used to minimize and control erosion in disturbed areas.

The disturbed areas would be reclaimed and contoured as soon as possible after construction is complete. Noxious weeds would be controlled by approved chemical or mechanical methods. The entire right-of-way (ROW) would be monitored for erosion, subsidence, and noxious weeds. In areas where problems are found to occur, reclamation efforts would continue until the BIA feels the ROW is successfully reclaimed. Reclamation is considered successful when:

- seeded areas are established;
- adjacent vegetative communities spread back into the disturbed areas; and
- noxious weeds are under control.

If after two growing seasons the new seeding is not successful, the BIA may require additional efforts to establish vegetation. For noxious weeds, a survey was conducted on the access road ROW and well pad area, prior to the construction commencing. The BIA has developed a weed management plan to treat known or likely to occur noxious weed species.

Final Reclamation

Final reclamation would occur when the well pad is decommissioned. All disturbed areas would be reclaimed, reflecting the BIA's view of oil and gas exploration and production as temporary intrusions on the landscape. All facilities would be removed. Access roads and work areas would be leveled or backfilled as necessary, scarified, recontoured, and seeded.

6. Surveys

The proposed location for each SCADA tower is on an existing pad. No additional resource surveys were completed on behalf of the proposed action. Original surveys of the Nathan Hale #3-18H well pad and access road were conducted by SWCA Environmental Consultants (SWCA) in 2008. Further, SWCA conducted surveys of the Tri-Unit storage and production facility pad and access road in October 2011. No significant impacts to natural or cultural resources are anticipated as a result of the proposed SCADA tower construction.

7. Potential Effects

No direct impacts to natural or cultural resources are anticipated predicated on WPX locating the proposed SCADA towers on existing well pads where surface, visual, and auditory disturbances are present.

Potential indirect impacts include noise and other disturbances to wildlife during construction and the introduction of noxious weeds. Impacts would be mitigated through avoidance of any federally listed threatened or endangered species or wetlands, avoidance of nesting migratory birds, and implementation of best management practices to control the introduction of noxious weeds. These mitigation measures are consistent with the approved NEPA documents, which received a finding of no significant impact (FONSI) (October 2008 and March 2012).

8. Notification with Federal Aviation Administration and Registration with Federal Communications Commission

The proposed SCADA towers would not require notification to the Federal Aviation Administration (FAA) and subsequent registration with the Federal Communications Commission because, as proposed, they would not individually exceed a height of 100 feet above the level ground surface (Title 47 Code of Federal Regulations Chapter 1, Subpart B 17.7.). The FAA requires notification for structures that will be greater than 200 feet above

ground level at the site. Further, the FAA requires notification if a proposed tower is within approximately 3.79 miles of the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet long, excluding heliports. No airports are known to occur within 5 miles of the proposed SCADA towers, therefore no notification is required.

9. Applicable NEPA Document(s)

*Environmental Assessment: Dakota-3 Nathan Hale #3-18H, Dakota-3 Alisia Fox #16-9H
Zenergy Operating Company, LLC (October 2008).*

*Environmental Assessment and Finding of No Significant Impact: A Potential Storage,
(Temporary) Fracturing, and Production Pad and a Potential 12 Well Expansion of the
Goodbird #25-36H/Black Hawk #1-12H Well Pad; WPX Energy Williston (March 2012).*

10. NEPA Adequacy Criteria

This document has identified two previously prepared NEPA documents (see Section 9) which adequately describe the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria.

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA documents, which appropriately consider and analyze current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. The analysis is still valid in light of new studies or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA documents.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA documents.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.

*Categorical Exclusion 516 DM 10.5 F(1) to Authorize the Installation of Freestanding Aluminum
SCADA Towers on Existing Oil and Gas Structures
(August 2012)*

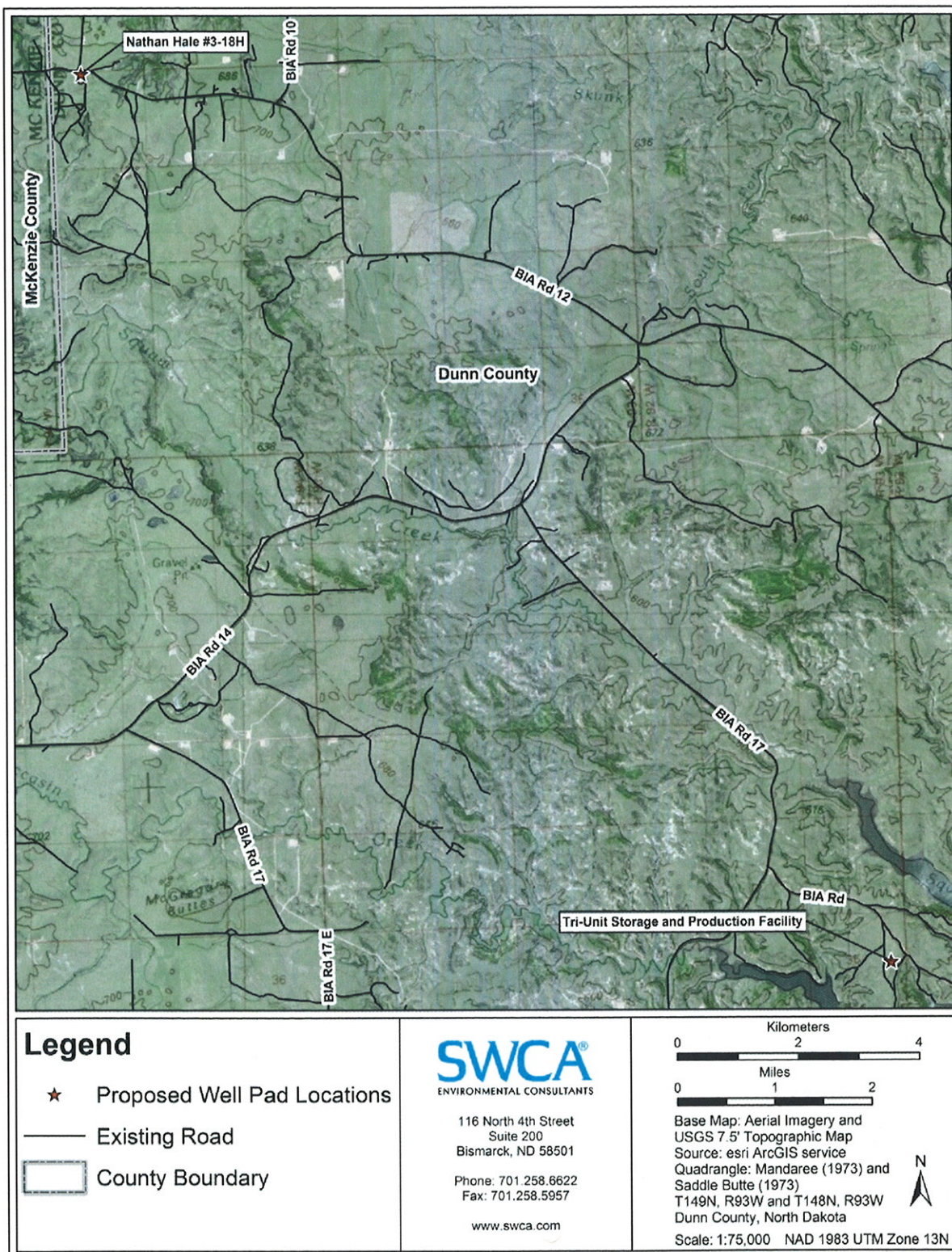


Figure 2. Proposed SCADA tower pad locations.

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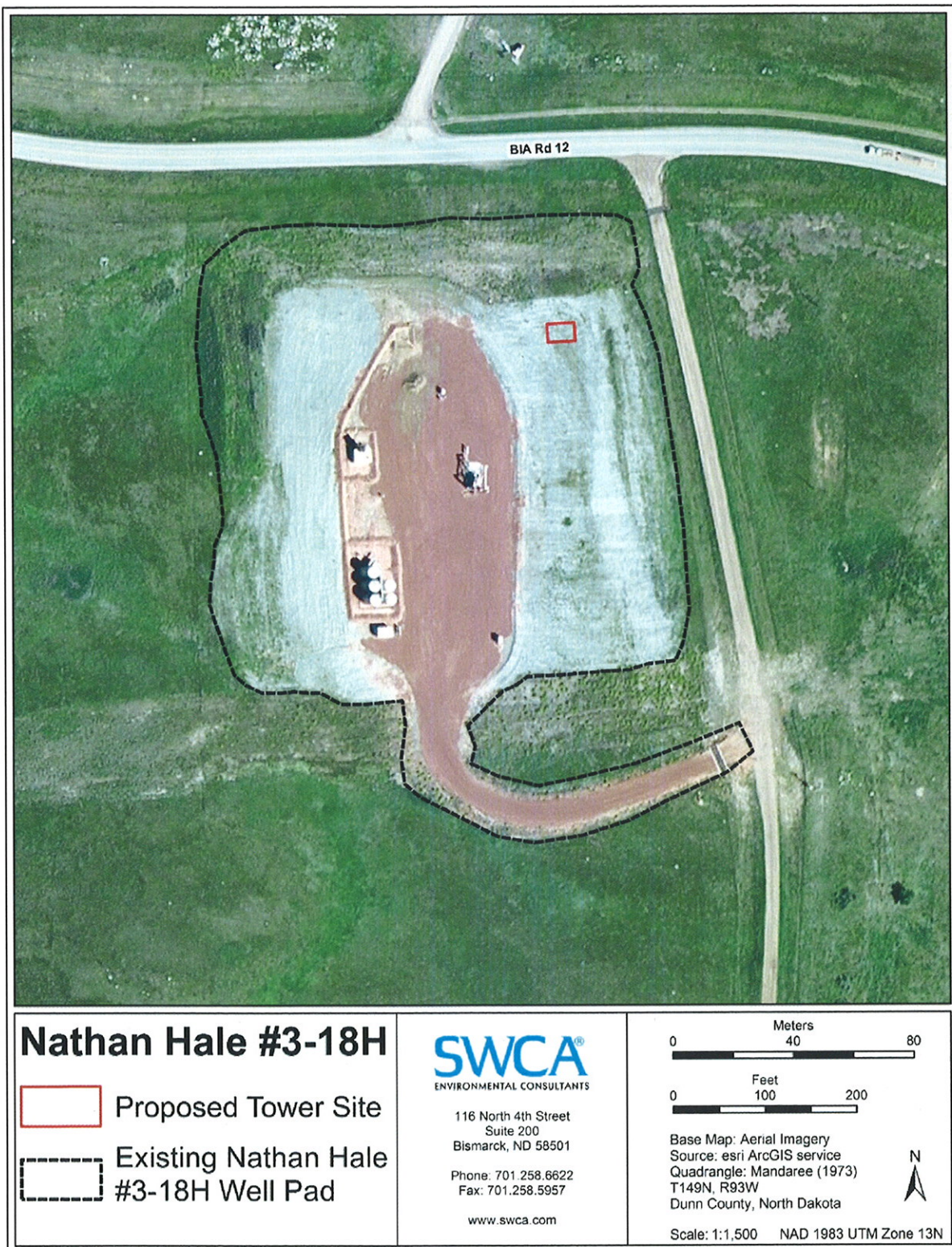


Figure 3. Proposed Nathan Hale #3-18H tower location.

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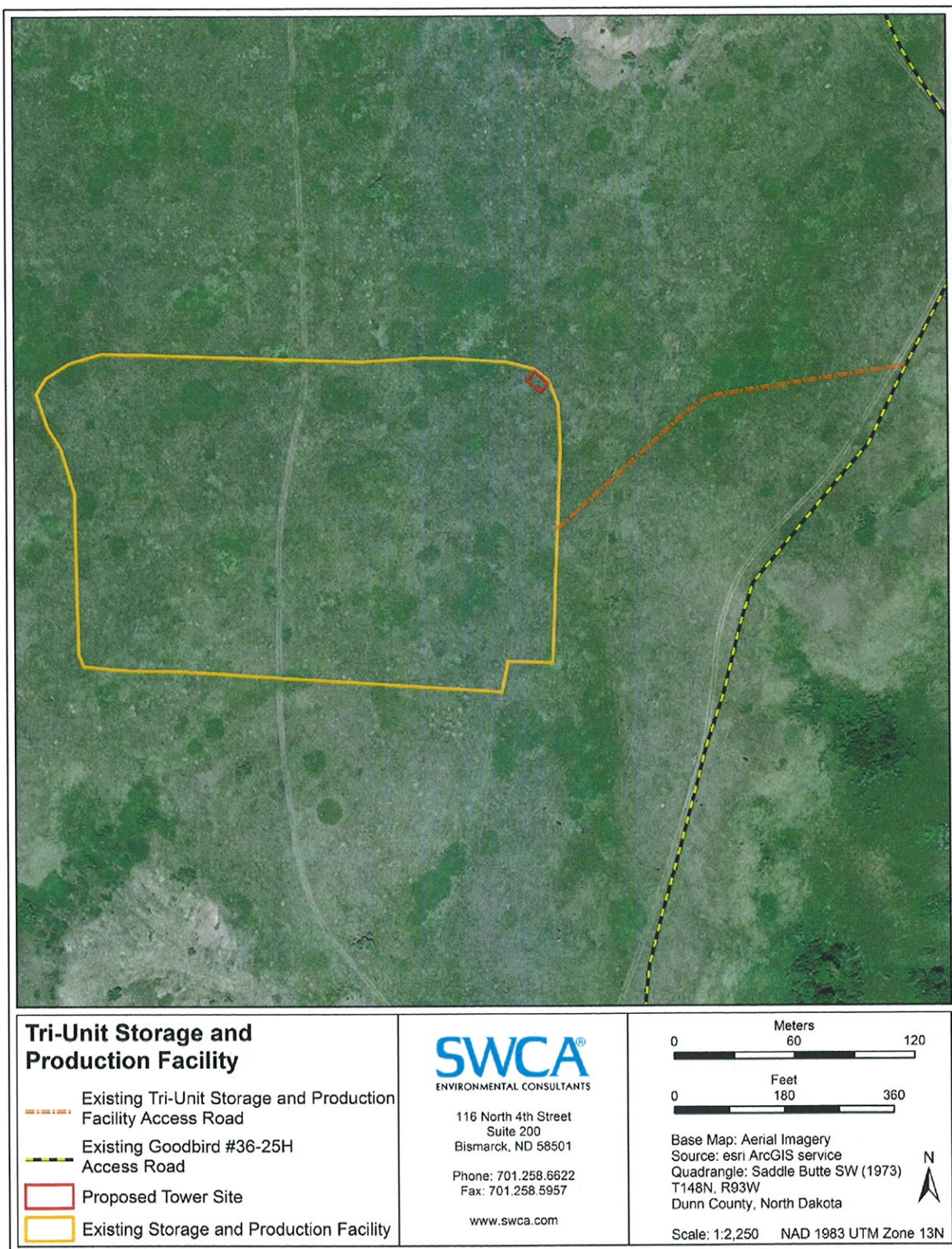
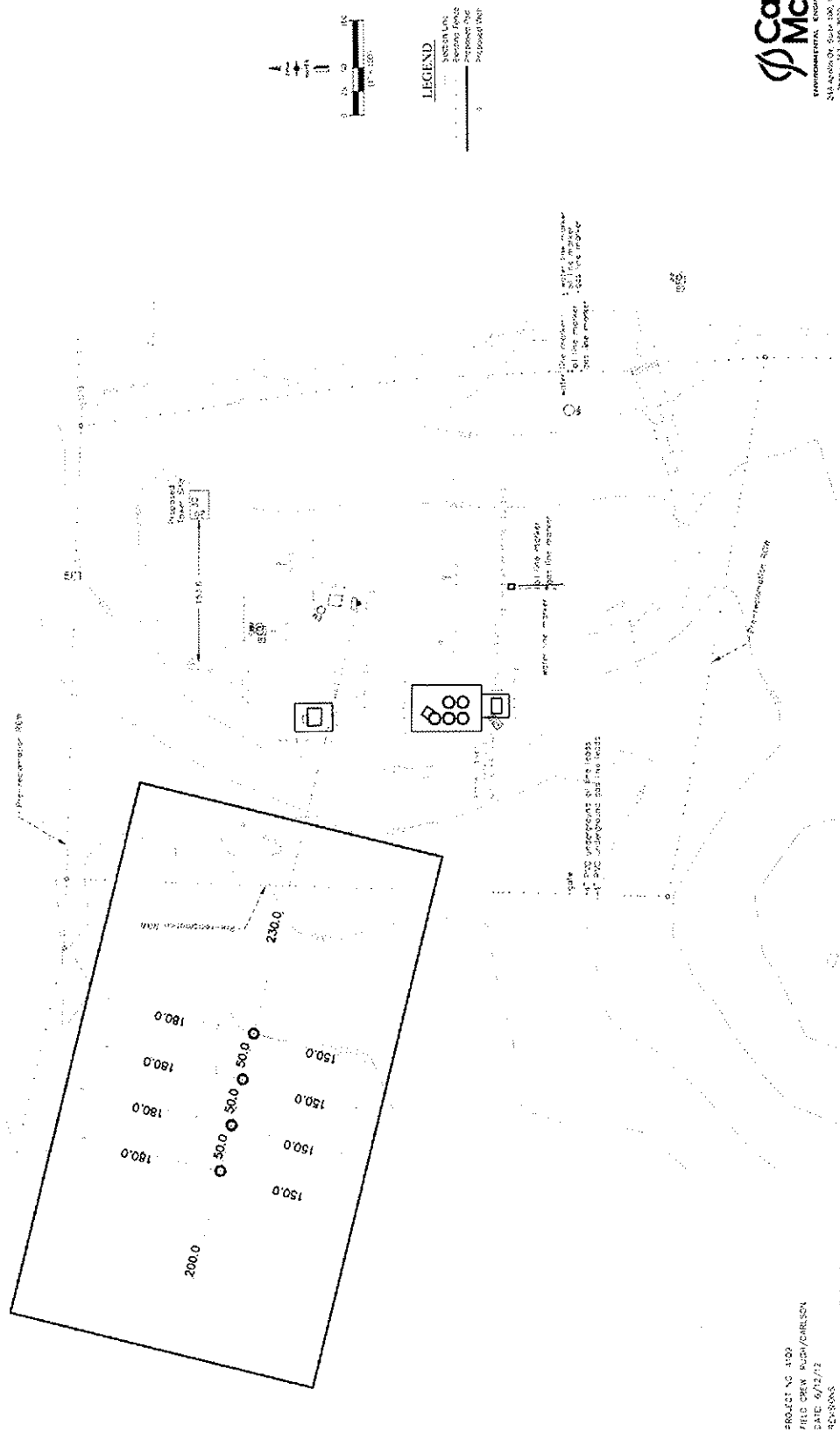


Figure 4. Proposed Tri-Unit tower location.

APPENDIX A
SCADA Tower Plats and Technical Information

~ WPX ENERGY WILLISTON, LLC ~
Nathan Hale 3-18H
Proposed Tower Site



*Categorical Exclusion 516 DM 10.5 F(1) to Authorize the Installation of Freestanding Aluminum
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(August 2012)*

